

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:10cv88

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
47 West Oakview Road, Asheville,)
Buncombe County, North Carolina, as)
described in a Deed at Deed Book 3359,)
Page 477, in the Public Registry of)
Buncombe County, North Carolina, being)
real property, together with the residence,)
and all appurtenances, improvements, and)
attachments thereon,)
)
and)
)
\$51,360.00 in United States Currency.)
)
)
Defendants.)

NOTICE OF
APPLICATION FOR
WARRANT
FOR SEIZURE OF REAL PROPERTY
UNDER 18 U.S.C. § 985(d)(1)(B)(i)

WHEREAS, on April 29, 2010, the United States filed a Verified Complaint for Forfeiture *in Rem* against the defendant real property and the defendant currency; and

WHEREAS, the Complaint alleged that the defendant real property and defendant currency were forfeitable to the United States under 21 U.S.C. § 881 and related federal statutes because they were proceeds of and facilitating property used in drug-trafficking and drug-manufacturing offenses, in violation of 21 U.S.C. §§ 801, *et seq.*; and

WHEREAS, on May 7, 2010, upon the Application of the United States, the Court issued a Warrant for Arrest in Rem for the defendant currency; and

WHEREAS, on May 12, 2010, the United States, pursuant to 18 U.S.C. § 985(d)(1)(B)(i), duly filed an Application for Warrant for Seizure of the defendant real property prior to the entry of a final order of forfeiture; and

WHEREAS, the Complaint alleged that Nathan Kempner is the current and sole owner of the defendant real property, and the United States submitted additional proof of that ownership as exhibits attached to its Application for Warrant for Seizure for Real Property; and

WHEREAS, the provisions of 18 U.S.C. § 985(d)(1)(B)(i) now require the Court to issue this Notice of Application for Warrant and to schedule a hearing “in which the property owner has a meaningful opportunity to be heard.”

NOW, THEREFORE,

- a. The United States is ordered to personally serve a copy of its Application for Warrant for Seizure for Real Property, Memorandum of Law in Support of Application for Warrant for Seizure for Real Property, and this Notice of Application for Warrant on Nathan Kempner and to file proof of that service with the Court;
- b. A hearing on whether the Court will issue a Warrant for Seizure of the defendant real property is hereby scheduled for May 24, 2010, at 2:00 p.m.

IT IS SO ORDERED,

Signed: May 13, 2010



Dennis L. Howell
United States Magistrate Judge

